

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

1 RICHARD OWENS,) 1:12-cv-00154-SKO-PC
2)
3 Petitioner,) ORDER DIRECTING THE CLERK TO
4) REDESIGNATE THIS ACTION AS A
5) PRISONER CIVIL RIGHTS CASE,
6) REMOVE THE "HC" FROM THE CASE
7) NUMBER, AND SUBSTITUTE "PC"
8 v.)
9 WARDEN DONNELLY,) ORDER DIRECTING THE CLERK TO SEND
10) NOTICE OF THE NEW CASE NUMBER
11)
12 Respondent.) ORDER DIRECTING THE PARTIES TO
13) USE THE NEW PRISONER CIVIL RIGHTS
14) CASE NUMBER
15)
16 ORDER DISMISSING PETITIONER'S
17) MOTION TO SHOW CAUSE AS MOOT
18) (DOC. 12)

19 Petitioner is a state prisoner proceeding pro se and in
20 forma pauperis with a petition for writ of habeas corpus pursuant
21 to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(c)(1),
22 Petitioner has consented to the jurisdiction of the United States
23 Magistrate Judge to conduct all further proceedings in the case,
24 including the entry of final judgment, by manifesting consent in
25 a signed writing filed by Petitioner on February 9, 2012 (doc.
26 5). Pending before the Court is Petitioner's statement of
27 intention to proceed with a prisoner civil rights complaint
28 pursuant to 42 U.S.C. § 1983, which was filed on May 15, 2012.

1 On February 2, 2012, Petitioner filed a document which was
2 designated as a petition for writ of habeas corpus. After an
3 initial screening order issued from the Court, Petitioner filed
4 in this action a prisoner civil rights complaint on April 18,
5 2012. The Court issued an order permitting the petitioner to
6 choose to file either a prisoner civil rights complaint or a
7 petition for writ of habeas corpus. In response to the Court's
8 order, on May 15, 2012, Petitioner filed a statement of intention
9 to proceed with a prisoner civil rights complaint pursuant to 28
10 U.S.C. § 1983.

Accordingly, it is ORDERED that:

1) The Clerk of the Court is DIRECTED to:

a) Change the designation of the present case to reflect that of a prisoner civil rights action by removing the "HC" from the case number and substituting "PC"; and

b) Send a notice of the new case number to all parties in this action; and

2) The parties are DIRECTED to use the redesignated case number, to which the "HC" suffix has been substituted, in the pleadings and documents filed in this action; and

3) Petitioner's motion to show cause under Habeas Rule 4, which was filed on March 22, 2012, and which pertained to the initially filed petition for writ of habeas corpus, is DISMISSED as moot.

IT IS SO ORDERED.

Dated: May 16, 2012

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE